

In re application of : Tsien et al.  
 App. No. : 09 866,538  
 Filed : May 24, 2001  
 For : NON-OLIGOMERIZING  
 TANDEM FLUORESCENT  
 PROTEINS  
 Examiner : Chih Min Kam  
 Art Unit : 1653

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(Date)

Ginger R. Dreger, Reg. No. 33,055

UNITED STATES PATENT AND TRADEMARK OFFICE  
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Sir:

Transmitted herewith is a preliminary amendment in the above-identified application.

**TECH CENTER 1600/2900**

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	66	—	87	= 0 ×	\$9	= \$0
Independent Claims	1	—	3	= 0 ×	\$42	= \$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0

(X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.

(X) Return prepaid postcard.

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- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tsien *et al.* ) Group Art Unit: 1653  
Appl. No. : 09 866,538 )  
Filed : May 24, 2001 )  
Title : NON-OLIGOMERIZING TANDEM )  
FLUORESCENT PROTEINS )  
Examiner : Chih Min Kam )

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## PRELIMINARY AMENDMENT TECH CENTER 1600/2900

United States Patent and Trademark Office  
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Arlington, VA 22202

Dear Sir:

Applicants respectfully request that the Preliminary Amendment provided below be entered into the record for the present case.

IN THE SPECIFICATION:

Please delete paragraph 0040 on page 15 , and replace it with the following substitute paragraph:

--As disclosed herein, the propensity of the non-oligomerizing fluorescent proteins of the invention to oligomerize is reduced or eliminated. In one embodiment, the propensity of a non-oligomerizing fluorescent protein to oligomerize is reduced or eliminated due to operatively linking a first monomer of a fluorescent protein to at least a second monomer of the fluorescent protein, thereby forming an intramolecular 'dimer', 'trimer' or the like. Such operatively linked homopolymers, which are referred to herein as "non-oligomerizing tandem dimers," have a substantially reduced ability to form intermolecular oligomers. Such non-oligomerizing tandem